

2-4-2015

## State v. Edwards Respondent's Brief Dckt. 42202

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IN THE SUPREME COURT OF THE STATE OF IDAHO

**COPY**

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

JODIE MARIE EDWARDS,

Defendant-Appellant.

No. 42202

Bonner Co. Case No.  
CR-2013-3324

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**BRIEF OF RESPONDENT**

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**APPEAL FROM THE DISTRICT COURT OF THE FIRST JUDICIAL  
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE  
COUNTY OF BONNER**

---

**HONORABLE BARBARA A. BUCHANAN**  
District Judge

---

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Attorney General  
State of Idaho

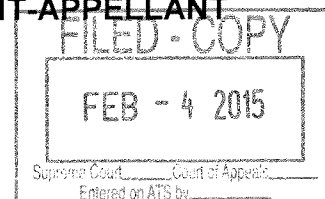
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## STATEMENT OF THE CASE

### Nature Of The Case

Jodie Marie Edwards appeals from the judgment entered upon her conditional guilty plea to possession of a controlled substance (methamphetamine). On appeal she argues the district court erred in denying her motion to suppress.

### Statement of Facts and Course of Proceedings

Prior to the hearing on Edwards' motion to suppress, the parties entered into the following stipulation of facts:

On July 4, 2013 at approximately 9:00 p.m., Sheriff's Deputy Alex Hughes stopped a white, 1992 Chevrolet pickup truck being driven on Highway 41, in Bonner County, Idaho. The basis of the stop was an equipment violation, to wit: the truck did not have any mud flaps, in violation of Idaho Code §49-949. The driver, and sole occupant, was identified as Jodie Marie Edwards, also known as Jodie Marie Dill, the defendant herein.

The deputy advised Edwards/Dill of the basis for the stop and lawfully retrieved her driver's license. The return from dispatch revealed that Dill had an outstanding and extraditable [sic] arrest warrant. Deputy Hughes removed Edwards/Dill from the vehicle and placed her under arrest and Mirandized her. Sheriff's Deputy Penn lawfully conducted an inventory search of the vehicle for impound purposes and during the search located 24.5 grams of Methamphetamine in 3 different locations, a small amount of Marijuana, and a Methamphetamine pipe.

The pickup truck in this matter is equipped with a body and it is a motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.

The pickup truck in this matter did not have any mudflaps or splash aprons behind the rear wheels.

The lowest point of the pickup bed behind the rear wheels is in [sic] 20 inches or more from the ground.

(R., pp.97-98.)

The state charged Edwards with possession of a controlled substance (methamphetamine). (R., pp.78-79.) Edwards moved to suppress the evidence against her, arguing it was the fruit of an unlawful detention. (R., pp.87-88.) Specifically, she argued the mud flaps on her vehicle complied with the requirements of I.C. § 49-949 and, therefore, the officer lacked reasonable suspicion to stop her. (R., pp.99-108.) After a hearing, the district court denied Edwards' motion. (R., pp.109-116.) Edwards entered a conditional guilty plea, reserving the right to challenge the denial of her motion to suppress. (R., pp.121-136; 12/17/13 Tr., pp.4-10.) The district court accepted Edwards' guilty plea and entered a judgment of conviction, from which Edwards timely appealed. (R., pp.175-182, 206-208, 212-214.)

## ISSUE

Edwards states the issue on appeal as:

Did the district court err when it denied Ms. Edwards' motion to suppress evidence because her truck was in compliance with I.C. § 49-949?

(Appellant's Brief, p.3.)

The state rephrases the issue as:

Has Edwards failed to show error in the denial of her motion to suppress?

## ARGUMENT

### Edwards Has Failed To Show Error In The Denial Of Her Motion To Suppress

#### A. Introduction

Edwards challenges the denial of her motion to suppress, arguing as she did below that “her truck was exempted from the ‘mud flap’ requirement contained in I.C. § 49-949(1)(a),” because (1) “her truck had a factory built bumper” in accordance with I.C. § 49-949(1)(c), and (2) her “truck’s bumper and fenders were capable of arresting and deflecting dirt, mud, water, and other substances” as required by I.C. § 49-949(2)(b). (Appellant's Brief, pp.4, 6-7.)

In regard to her first argument, Edwards is “[m]indful of the fact that the plain language of I.C. § 49-949(1)(c) does not apply to trucks”, but she nevertheless contends “her factory built bumper exempts her truck from the requirements of I.C. § 49-949(1)(a).” (Appellant's Brief, p.7; see I.C. § 49-949(1)(c).) Edwards’ second argument similarly concedes, “[r]egardless of whether I.C. § 49-949(2)(b)<sup>[1]</sup> exempts vehicles from the requirements of I.C. § 49-949(1) or whether I.C. § 49-949(2)(b) adds requirements to those contained [in] § 49-949(1), [she] did not submit any evidence to support her theory that her vehicle’s fenders and bumper were capable of arresting and deflecting

---

<sup>1</sup> Idaho Code § 49-949(2)(b) states:

(2) Fenders or covers, as used in subsection (1) of this section, shall be deemed to be of sufficient size and construction as to comply with those requirements if constructed as follows:

. . . .

(b) The fender or cover is constructed as to be capable at all times of arresting and deflecting dirt, mud, water, or other substance as may be picked up and carried by wheels[.]



dirt, mud, water, or other substances[,]” and “[m]indful of this evidentiary shortcoming, [she] still argues that § 49-949(2)(b) exempts her truck from the requirements of § 49-949(1)(a) . . . .” (Appellant's Brief, pp.7-8.) Based on these two arguments that her truck complied with I.C. § 49-949, Edwards contends Officer Hughes did not have reasonable suspicion to conduct a traffic stop of her truck and detain her. (Appellant's Brief, p.6.)

Edwards' arguments fail. The district court correctly applied the law to the undisputed facts in concluding the mud flaps on Edwards' pickup truck did not comply with the width and height requirements of I.C. § 49-949 and, therefore, the stop was lawful. Edwards has failed to show error in the denial of her motion to suppress.

B. Standard Of Review

In reviewing a decision on a motion to suppress, the appellate court accepts the trial court's findings of fact that are supported by substantial evidence, but freely reviews the application of constitutional principles to those facts. State v. Diaz, 144 Idaho 300, 302, 160 P.3d 739, 741 (2007).

The interpretation and construction of a statute present questions of law over which the appellate court exercises free review. State v. Thompson, 140 Idaho 796, 798, 102 P.3d 1115, 1117 (2004).

C. The District Court Correctly Applied The Law To The Facts In Denying Edwards' Motion To Suppress

“A traffic stop by an officer constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures.” State v. Young, 144 Idaho 646, 648, 167 P.3d 783, 785 (Ct. App. 2006)

(citing Delaware v. Prouse, 440 U.S. 648, 653 (1979)). Ordinarily, a warrantless seizure must be based on probable cause to be reasonable. Florida v. Royer, 460 U.S. 491, 499-500 (1983); State v. Bishop, 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009). However, limited investigatory detentions, based on less than probable cause, are permissible when justified by an officer's reasonable, articulable suspicion that a person has committed, or is about to commit, a crime. Royer, 460 U.S. at 498; Bishop, 146 Idaho at 811, 203 P.3d at 1210. "An officer may also stop a vehicle to investigate possible criminal behavior if there is reasonable articulable suspicion that the vehicle is being driven contrary to traffic laws." Young, 144 Idaho at 648, 167 P.3d at 785 (citing United States v. Cortez, 449 U.S. 411 (1981)). "Reasonable suspicion requires less than probable cause but more than speculation or instinct on the part of the officer." State v. Horton, 150 Idaho 300, 302, 246 P.3d 673, 675 (Ct. App. 2010) (citation omitted). Whether an officer possessed reasonable suspicion is evaluated based on the totality of the circumstances known to the officer at or before the time of the stop. Bishop, 146 Idaho at 811, 203 P.3d at 1210; State v. Sheldon, 139 Idaho 980, 983, 88 P.3d 1220, 1223 (Ct. App. 2003).

Deputy Hughes stopped Edwards because her pickup truck did not have any mud flaps as required by I.C. § 49-949. (R., pp.97-98.) Interpreting that statute, the district court first found that the language of I.C. § 49-949(1)(a) requires all trucks, including Edwards' pickup truck, to "have covers or mud flaps as wide as the tire width and not more than 10 inches from the ground." (R., p.114.) Conversely, the court concluded that "[s]ubsection 1(c) of the statute is unambiguous in its application to 'every motor vehicle *other than trucks*,' and therefore, has no application to the case

involving a truck.” (Id. (emphasis added).) Because the evidence presented at the suppression hearing established that the mud flaps on Edwards’ vehicle did not extend to 10 inches above the surface of the highway, the court upheld the stop as being justified by a reasonable, articulable suspicion that Edwards violated I.C. § 49-949. (R., pp.114-115.)


The district court additionally found that, because Edwards failed to provide any legal support for her argument that I.C. § 49-949(2)(b) (re: fenders/covers capable at all times of arresting and deflecting dirt, etc.) supersedes subsection (1) of that statute, the court could not find that her pickup truck complied with the statute “simply because it was equipped with fenders.” (R., p.114.) As acknowledged by Edwards on appeal, she “did not submit any evidence to support her theory that her vehicle’s fenders and bumper” met the requirements of I.C. § 49-949(2)(b), even assuming that subsection superseded subsection (1)(b) of that statute. (See Appellant’s Brief, p.8.)

Edwards does not challenge any of the district court’s factual findings. Nor does she seriously argue that the district court erred in its interpretation of the law. Instead, she merely reiterates the arguments that were made to and rejected by the district court, while “[m]indful of the fact that the plain language of I.C. § 49-949(1)(c) does not apply to trucks,” and “[m]indful” of the evidentiary shortcoming relative to I.C. § 49-949(2)(b). (Appellant’s Brief, p.7.) Edwards’ arguments fail for all of the reasons set forth in the district court’s well-written and well-reasoned Memorandum Decision And Order re: Defendant’s Motion To Suppress, which the state adopts as its argument on appeal. (R., pp.109-116 (attached hereto as Appendix A).)

### CONCLUSION

The state respectfully requests this Court to affirm the judgment entered upon Edwards' conditional guilty plea to possession of a controlled substance (methamphetamine).

DATED this 4<sup>th</sup> day of February, 2015.


  
JOHN C. McKINNEY  
Deputy Attorney General

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 4<sup>th</sup> day of February, 2015, served a true and correct copy of the attached BRIEF OF RESPONDENT by causing a copy addressed to:

SHAWN F. WILKERSON  
DEPUTY STATE APPELLATE PUBLIC DEFENDER

to be placed in The State Appellate Public Defender's basket located in the Idaho Supreme Court Clerk's office.

  
John C. McKinney  
Deputy Attorney General

JCM/vr

## APPENDIX A

NOV -8 P 1:34

CLERK DISTRICT COURT

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,	)	CASE NO. CR-2013-0003324
	)	CR-2013-0003524
Plaintiff,	)	
	)	MEMORANDUM DECISION
vs.	)	AND ORDER re: DEFENDANT'S
	)	MOTION TO SUPPRESS
JODIE MARIE DILL aka	)	
JODIE MARIE EDWARDS,	)	
	)	
Defendant.	)	

Because the defendant's vehicle is a pickup truck by definition and failed to meet the requirements of Idaho Code § 49-949(1)(a), the officer had reasonable articulable suspicion to make the stop and the stop was lawful. Therefore, the motion to suppress is denied.

THIS MATTER is before the Court on Defendant's Motion to Suppress, which was filed on September 20, 2013. Defendant Jodie Marie Dill, aka Jodie Marie Edwards, is represented by Bonner County Public Defender Janet K. Whitney. The State of Idaho is represented by Bonner County Chief Deputy Prosecuting Attorney Shane Greenbank.

**I. FACTS<sup>1</sup>**

On July 4, 2013, at approximately 9:00 p.m., Sheriff's Deputy Alex Hughes stopped a white 1992 Chevrolet pickup truck being driven on Highway 41, in Bonner County, Idaho. The

<sup>1</sup> The prosecution and defense stipulated to these facts on November 5, 2013. See *Stipulations for Hearing on Defendant's Motion to Suppress* (filed on November 5, 2013).

basis of the stop was an equipment violation, to-wit: the truck did not have any mud flaps, in violation of Idaho Code § 49-949. The driver, and sole occupant, was identified as Jodie Marie Dill, also known as Jodie Marie Edwards, the defendant herein.

The deputy advised Dill of the basis for the stop and lawfully retrieved her driver's license. The return from Dispatch revealed that Dill had an outstanding and extraditable arrest warrant. Deputy Hughes removed Dill from the vehicle and placed her under arrest and Mirandized her. Sheriff's Deputy Penn lawfully conducted an inventory search of the vehicle for impound purposes and during the search located 24.5 grams of Methamphetamine in three different locations, a small amount of Marijuana, and a Methamphetamine pipe.

Dill's pickup truck is equipped with a body and is a motor vehicle of 8,000 pounds gross weight or less, which is designed, used, or maintained primarily for the transportation of property. The pickup truck did not have any mud flaps or splash aprons behind the rear wheels. The lowest point of the pickup bed behind the rear wheels is 20 inches or more from the ground.

## **II. ISSUE PRESENTED**

In her Motion to Suppress, Dill raises the following issue:

- A. Did Dill's vehicle violate Idaho Code § 49-949, and if not, did Deputy Hughes lack reasonable articulable suspicion for the stop?**

Dill argues that her vehicle did not violate Idaho Code § 49-949, because her pickup truck had fenders or covers that were constructed as to be capable at all times of arresting and deflecting dirt, mud, water, or other substances that may be picked up and carried by wheels, in compliance with Idaho Code § 49-949(2). Further, her vehicle is a Ford pickup truck that has a factory built bumper fastened directly to the frame of the vehicle pursuant to factory installation requirements, bringing it into compliance with subsection (1) of the statute. Dill contends,

therefore, that Hughes did not have a reasonable articulable suspicion to stop her for a violation of Idaho Code § 49-949. Dill requests that all evidence found as a result of the stop and subsequent search of her vehicle be suppressed, because the search violated her rights under the Fourth Amendment to the U.S. Constitution and Article I, § 17 of the Idaho Constitution.

### III. STANDARD OF REVIEW

In *State v. Martinez-Gonzalez*, 152 Idaho 775, 275 P.3d 1 (Ct. App. 2012), the Idaho Court of Appeals set forth the standard of review for a motion to suppress:

**The standard of review of a suppression motion is bifurcated. When a decision on a motion to suppress is challenged, we accept the trial court's findings of fact unless they are clearly erroneous, but we freely review the application of constitutional principles to the facts as found. *State v. Willoughby*, 147 Idaho 482, 485–86, 211 P.3d 91, 94–95 (2009); *State v. Fees*, 140 Idaho 81, 84, 90 P.3d 306, 309 (2004). At a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court. *State v. Valdez-Molina*, 127 Idaho 102, 106, 897 P.2d 993, 997 (1995); *State v. Schevers*, 132 Idaho 786, 789, 979 P.2d 659, 662 (Ct.App.1999).**

*Id.* at 778, 275 P.3d at 4. (Emphasis supplied).

### IV. DISCUSSION

#### A. The Defendant's Vehicle Was Required to Comply with Idaho Code § 49-949(1)(a).

Idaho Code § 49-949, which sets forth the requirement as to fenders or covers over all wheels on motor vehicles, provides:

(1) It shall be unlawful for any person to operate or move or any owner to permit to be operated or moved, any motor vehicle, truck, bus, semitrailer or trailer, upon any highway without having the vehicle equipped with fenders or covers which may include flaps or splash aprons, over and to the rear of wheels, as follows:

(a) On the rear wheels of **every truck equipped with a body**, bus, trailer or semitrailer the fenders or covers shall extend in full width from a point above and forward of the center of the tires over and to the rear of the wheels to a point that



is not more than ten (10) inches above the surface of the highway when the vehicle is empty;

(b) Behind the rear wheels of **every truck not equipped with a body** the fenders or covers shall extend downward in full width from a point not lower than halfway between the center of the wheels and the top of the tires on the wheels to a point that is not more than ten (10) inches above the surface of the highway when the vehicle is empty;

(c) Behind all wheels of **every motor vehicle other than trucks**, buses, semitrailers, or trailers, the fenders or covers shall extend in full width from a point above and forward of the center of the tire over and to the rear of the wheel to a point that is not more than twenty (20) inches above the surface of the highway, **unless the bumper is a factory built bumper fastened directly to the frame of the vehicle pursuant to factory installation requirements**;

(d) Fenders or covers are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof that is titled as a later assembled vehicle or replica and is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained hard-surfaced roads.

(2) Fenders or covers, as used in subsection (1) of this section, shall be deemed to be of sufficient size and construction as to comply with those requirements if constructed as follows:

(a) When measured on the cross sections of the tread of the wheel or on the combined cross sections of the treads of multiple wheels, the fender or cover extends at least to each side of the width of the tire or of the combined width of the multiple tires, as the case may be;

(b) The fender or cover is constructed as to be capable at all times of arresting and deflecting dirt, mud, water, or other substance as may be picked up and carried by wheels;

(c) For school buses if the body extension behind the rear wheels exceeds five (5) feet.

I.C. § 49-949. (Emphasis supplied).

Idaho Code § 49-949 sets out four categories of vehicles to which its requirements apply:

(1) trucks equipped with a body, (2) trucks not equipped with a body, (3) every motor vehicle other than trucks, and (4) any modified American-made pre-1935 vehicle, or any identifiable

**MEMORANDUM DECISION AND ORDER**  
re: **DEFENDANT'S MOTION TO SUPPRESS - 4**

vintage or replica thereof. Dill argues that her truck should fall under subsection (1)(c) of the statute, which she contends excludes from violation of the statute vehicles with factory built bumpers fastened directly to the frame of the vehicle pursuant to factory installation requirements. Dill's argument, however, ignores the plain language of subsection (1)(c) which excepts trucks from that subsection.

The Court finds that the language of Idaho Code § 49-949 is unambiguous. Subsection (1)(a) of the statute applies to pickup trucks; subsection (1)(c) does not. Subsection (1)(c) expressly states that it applies to "every motor vehicle other than trucks ..." I.C. § 49-949(c). "Truck" is defined in Idaho Code § 49-121(10), as follows:

"Truck" means:

- (a) Refuse/sanitation. Any vehicle designed and used solely for the purpose of transporting refuse.
- (b) General. Every motor vehicle exceeding eight thousand (8,000) pounds gross weight designed, used or maintained primarily for the transportation of property.
- (c) **Pickup truck. Every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.**
- (d) Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and containing at least one (1) of the following facilities: stove; refrigerator or icebox; self-contained toilet; heater or air conditioner; potable water supply including a faucet and sink; separate 110-125 volt electrical power supply; or LP-gas supply. Truck campers originally constructed with an overall length of six (6) feet or longer shall be titled as provided in chapter 5 of this title 49. A truck camper does not include pickup hoods, shells or canopies.
- (e) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

I.C. § 49-121(10). (Emphasis supplied).

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**re: DEFENDANT'S MOTION TO SUPPRESS - 5**

Dill's vehicle is a pickup truck by definition, and was equipped with a body. Thus, it must meet the requirements of Idaho Code § 49-949(1)(a) and must have covers or mud flaps as wide as the tire width and not more than 10 inches from the ground. Subsection (1)(c) of the statute is unambiguous in its application to "every motor vehicle other than trucks," and therefore, has no application to this case involving a truck.

Additionally, Dill argues that her vehicle did not violate Idaho Code § 49-949 because her pickup truck was equipped with fenders that were "constructed as to be capable at all times of arresting and deflecting dirt, mud, water, or other substances that may be picked up and carried by wheels," in compliance with Idaho Code § 49-949(2)(b). Dill asserts that "Idaho Code § 49-949(2) sets out specifications that would render the fenders [or] covers in compliance with subsection (1)." *Brief in Support of Defendant's Motion to Suppress* (November 5, 2013), at 10. Apparently, the defense is arguing that if a vehicle has any type of fenders or covers, it is in compliance with the statute. The defense has, however, presented no legal authority showing that subsection (2) of the statute supersedes subsection (1). Therefore, this Court will not make a finding that Dill's vehicle complied with Idaho Code § 49-949 simply because it was equipped with fenders.

**B. Deputy Hughes Possessed Reasonable Articulate Suspicion For The Stop.**

In *State v. Morgan*, 154 Idaho 109, 294 P.3d 1121 (2013), the Idaho Supreme Court stated:

Traffic stops constitute seizures under the Fourth Amendment." *State v. Henage*, 143 Idaho 655, 658, 152 P.3d 16, 19 (2007). **Limited investigatory detentions are permissible when justified by an officer's reasonable articulable suspicion that a person has committed, or is about to commit, a crime.** *State v. Bishop*, 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009). "Reasonable suspicion

**must be based on specific, articulable facts and the rational inferences that can be drawn from those facts.”** *Id.* Reasonable suspicion requires more than a mere hunch or “inchoate and unparticularized suspicion.” *Id.* (quoting *United States v. Sokolow*, 490 U.S. 1, 7, 109 S.Ct. 1581, 1585, 104 L.Ed.2d 1, 10 (1989)). **The test for reasonable suspicion is based on the totality of the circumstances known to the officer at or before the time of the stop. *Id.***

*Id.* at ---, 294 P.3d at 1124. (Emphasis supplied).

Upon consideration of Hughes’ sworn statements regarding the stop in his Probable Cause Affidavit, filed on July 5, 2013, together with the briefs of the parties, this Court finds, based on the totality of circumstances known to the officer at or before the time of the stop, that Hughes had reasonable articulable suspicion to make the stop. Therefore, the stop was lawful.

#### V. CONCLUSION AND ORDER

NOW, THEREFORE, for the foregoing reasons, IT IS HEREBY ORDERED THAT Defendant’s Motion to Suppress is DENIED.

IT IS SO ORDERED.

DATED this 8 day of November, 2013.



**Barbara Buchanan**  
District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, or delivered, this 8 day of November, 2013, to:

Shane Greenbank  
Bonner County Deputy Prosecutor  
Sandpoint, ID 83864  
**Courthouse Mail**

Janet K. Whitney  
Bonner County Public Defender  
Sandpoint, ID 83864  
**Courthouse Mail**

Linda Apple  
Deputy Clerk